Convoy Dispatch

VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975 • www.tdu.org — November-December 2007 # 247

The Grinch of Givebacks

Hoffa's Holiday Giveaway to Employers

Employers are celebrating the holidays early this year, as Hoffa gives up major Teamster standards in some of our most important national master agreements.

UPS management is sure to have a very happy holiday, having won all three of the major givebacks they wanted: withdrawal from the Central States Pension Fund, no new full-time jobs, and an early deal. Industry experts at *Traffic World* magazine called the new contract "a major victory" for UPS.

UPS isn't the only employer getting big gifts from our union this season.

At PTS, Carhaul Director Fred Zuckerman has told billionaire investor Ron Burkle he can cut Teamster salaries by 17.5 percent. PTS Teamsters won't even get a vote on the wage cut.

And at DHL, Hoffa's assistant Brad Slawson wants to give the company part-timers in the new national contract.

Using Our Strength

Many rank-and-file Teamsters are standing up and saying No to givebacks.

Rank-and-file carhaulers and DHL Teamsters are getting organized to beat back concessions and to defend our national contracts. Carhaulers are organizing against the concessions, and are joining TDU's network. DHL Teamsters are building a rank-and-file network, with their own website, to win a good contract.

Freight Teamsters are building a new network, Freight2008, to push for a strong national freight contract and to hold the line against the takeover of Teamster pensions.

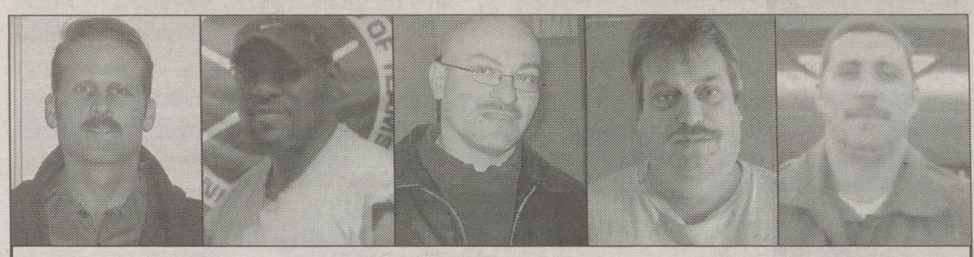
UPS Teamsters voted down three major supplements. In doing so they saved 25-and-out in New York and won improvements in all of them. Members are going to keep building the *Make UPS Deliver* network to enforce the agreement and have real power in the future.

These contract battles show that employers have found a Teamsters president ready to be their lap dog.

Teamster members—through TDU—are organizing a movement to get ourselves educated and united to build real Teamster power.

Generous to Employers, a Grinch to Members

Hoffa is giving employers a very happy holiday this year, while members fight givebacks. Read more: **Freight**, pg. 3; **DHL**, pg. 3; **Carhaul**, pg. 4; **Pension**, pg. 5; **UPS**, pg. 6-7.



Reformers Win in Chicago

Over 13,000 Chicago Teamsters will get new leadership when Richard Berg and the 743 New Leadership Slate takes office in January. Read the interview. **Pg. 9**

Local 804 Keeps 25 & Out

UPS Teamsters in New York turned back proposed pension cuts after voting down their supplement by 3 to 1. Read about their victory on **pg. 6**.

We're Joining TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Company _____

E-mail _____

❑ City ❑ Road ❑ Dock ❑ Clerical ❑ Warehouse ❑ Construction ❑ Production

Other _____

___ $40 one-year membership & subscription to *Convoy Dispatch*

___ $95 three-year membership fee

___ $25 for spouses, and Teamsters who gross less than $22,000 a year

___ $25 for retirees. Retired from Local _____

❑ Check or money order

MC/Visa/AmEx/Discover # _____ Exp. Date _____

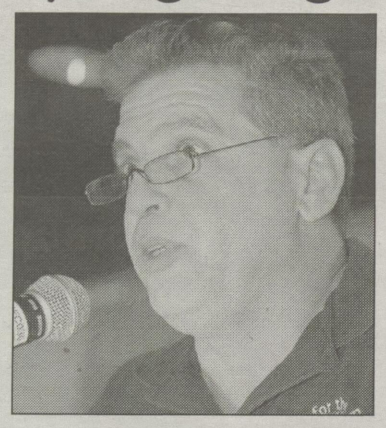
Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential. TDU solicits and accepts membership applications and donations only from Teamsters, retired Teamsters and spouses who are not employers. Only funds from Teamster members and their spouses can be used for campaign purposes.

Letters From Our Members

Local 726: We'll Keep Fighting



Vince Tenuto
Local 726, Chicago
Fighting for the Future

Thanks for all the support we got at the recent TDU Convention. We narrowly lost our local election, but that fight is far from over.

We have filed post election protests and look forward to having our case heard because Local 726 members deserve to have an honest election. Our protest outlines numerous serious violations, including counting over 1,300 challenged ballots without verifying their eligibility. We will see this fight through: Local 726 members will get a fair election and will take back our union.

We learned over the past two years that an informed and involved membership is the best hope for our union. Democracy means members having their voices heard and that's come through loud and clear.

Local 726 members voted down a substandard contract twice and won greater job security for Chicago public sector Teamsters. We're not going away, and we plan to grow TDU.

Split Wages Mean Less Money

In the new contract, UPS is splitting wage increases in two parts, one in August and one in February.

Use your calculator—for the first year alone, if you work ZERO overtime, you'll lose over $360 because the wage increase is split. Think how much you'll lose with overtime.

If UPS gets away with this, every employer covered by a Teamster contract will jump on the bandwagon. Don't forget UPS was also the company that started negotiations which included the "unborn," which is why all these silly "training rates" exist today.

Terry Newton
Retired, Local 631
Sutter Creek, Calif.

Interlining Spreads Like Wildfire

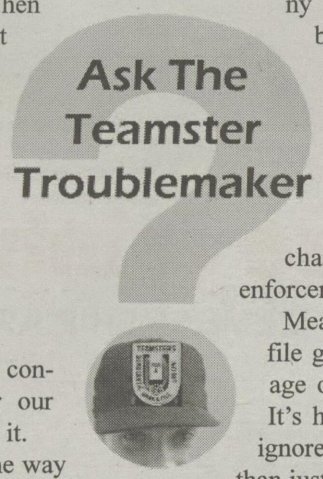
Southern California is being overrun by nonunion scab interliners! I work at Roadway, and on a daily basis the nonunion trucks appear at our dock either picking up freight or dropping off pick-ups (most are liftgate requests).

The wildfires are currently under control but interlining is not. This is done on such a large scale here in SoCal, one shop steward can't monitor all the activity that goes on, 24 hours a day.

I would walk in a second over this issue—drastic times call for drastic measures. The whole month of October our negotiators have been in Phoenix negotiating the NMFA. If the current interlining continues we won't have any freight Teamsters to bargain for.

Steve Yarwick
Roadway, Local 542
San Diego, Calif.

Ask the Teamster Troublemaker



I am a road driver. Some of the places we bed down are ridiculous. I wouldn't make my dog lay in them. What rights do I have besides grieve and wait? When we find our own rooms, we get threatened with disciplinary actions. Under Article 49 in the contract, it says the company has to pay $40. Why can't we get some relief?

Ornery at the Road Rash Inn
Local 200, USF Holland
Milwaukee

Dear Ornery,

You're right about the current contract language and the need for our Teamster reps on panels to enforce it.

Relief for the rash may be on the way with the union's proposed language for the Central Supplement. The proposal calls for an increase to $60 and a two-person committee to inspect company motels on a random basis every 6 months.

Road drivers need to press their local officers and agents on the Central Supplement committee to bargain this change, and we need enforcement.

Meanwhile, I suggest you file grievances and encourage others to do the same. It's harder for the panel to ignore a "rash" of grievances than just one ornery Teamster.

How to Contact TDU

We want to hear from you. Contact us at the addresses below for more information about TDU, or to send us articles or letters

National Office: P.O. Box 10128, Detroit, Mich., 48210. Phone: (313) 842-2600. Fax: (313) 842-0227.
E-mail: tdudetroit@tdu.org
Website: www.tdu.org

NY Office: 104 Montgomery St., Brooklyn, N.Y. 11225. Phone: (718) 287-3283. Fax: (718) 287-3287.
E-mail: tdueast@tdu.org

E-Mail Your Letter

Visit our web page at **www.tdu.org** and use the link provided there, or e-mail your letter to **letters@tdu.org**.

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TDU International Steering Committee

Co-Chairs:
Frank Halstead, Los Angeles Local 572
Sandy Pope, New York Local 805
Michael Ruscigno, New York Local 802
Michael Savwoir, Kansas City Local 41

Organizer:
Ken Paff, Detroit

Trustees:
Gary Brooks, Chicago Local 705
Willie Hardy, Memphis Local 667
Joe Sexauer, Chicago Local 743

Members:
Dan Campbell, Milwaukee Local 200
Duke Clark, Chicago Local 726
Nichele Fulmore, North Carolina Local 391
Toni Jackson, Memphis Local 667
Stefan Ostrach, Oregon Local 206
Rick Sather, Minneapolis Local 638
Walter Taylor, New York Local 814

Alternates:
Alex Tenchavez, Los Angeles Local 396
Hugh Sawyer, Atlanta BLET Div. 316
Jim Reynolds, New York Local 804

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in Nov. 2007 for one year. Our Rank & File Convention had 250 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BYLAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs should be elected by regions. No more trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he or she makes. No officer should make more than the highest paid working members in their jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for members, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

Membership Blackout Continues

Freight Talks on Fast Track

As freight talks resume on Dec. 5, the information blackout continues and rumors are flying high. Members are left wondering what our goals are.

Freight negotiations between the International Union and Yellow Roadway resume in early December, with attention shifting from the supplements to the master contract. The information blackout continues, leaving rumors flying high and members wondering what the bargaining goals are.

Negotiations with ABF are on a slow track, waiting for YRC to set the pattern. The Hoffa administration has taken negotiations with DHL out of the Freight Division, and given them to Brad Slawson, who is determined to give DHL concessions, including part-timers.

The supplemental negotiations reportedly have yielded mixed results. Some areas report progress. Others are more deadlocked.

UPS Freight Sets Low Bar

The UPS Freight contract signed by the International Union at one terminal in Indianapolis hangs like a cloud over the bargaining table, negotiators report.

It allows unlimited casuals, part-timers, a much cheaper pension commitment by the company, and requires Teamsters to pay $150 per month to get family health coverage.

YRC is looking to get "operational flexibility" such as the UPS Freight contract allows. One danger is that the "utility driver" rules given in the last contract for Premium Service will spread to cover the whole contract.

Negotiations for the national master officially opened in mid-November. Teamsters have plenty of improvements in mind to win in this round, including ending the low starting wage, winning a catch-up wage increase, and safeguarding all jobs in the event of a merger down the road of Yellow and Roadway.

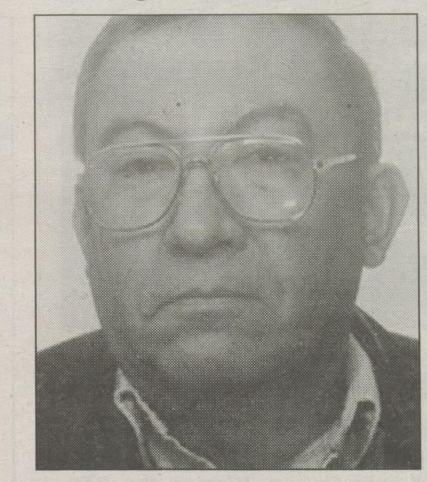
It appears that YRC will accept the benefit pattern set by the UPS contract of a $1 per hour increase each year, 35¢ to H&W, and 65¢ to pension.

In the first year, Central States Health and Welfare gets an extra 20¢ of that dollar, and will partially restore retiree health benefits. In the UPS contract, retirees over 55 can get coverage for $200 per month or $400 per month for a retiree and spouse. This is far worse than the $50 charge we had in 2003, but some improvement. We expect this is what freight Teamsters will get as well.

Freight Teamsters have every right—and a Teamster duty—to hold our leaders accountable to win a strong contract, with overdue improvements.

The UPS Freight contract should not be an excuse for any concessions whatsoever—why should the tail wag the dog? If we win a good NMFA, we can use that pattern to apply at other UPS Freight terminals that get organized into our union.

Early Bargaining Gives Us Leverage



"Watch out when Yellow says they want greater flexibility. We should not have to give them concessions, we're already giving them the early agreement they want.

"Look at premium service, which was supposed to create new jobs, but all it really did was shuffle existing work. We need clear and firm language that the panels will enforce when it comes to benefiting working Teamsters."

Hector Canales, Yellow
Local 406, Grand Rapids, Mich.

We Can Do Better at UPS Freight

"The agreement that UPS Freight signed with the Teamsters could set freight negotiations back 20 years. We have to face the fact that what they got in Indianapolis is substandard to the NMFA. Members need to get together and network through TDU to put pressure on the IBT and local officers to make sure our freight contract delivers more. We need UPS Freight workers in our union but we can't sacrifice our contract standards."

Chuck Deaver, Yellow
Local 174, Seattle

Freight2008.org

- **Sign up** for contract updates.
- **Have your say** in the issues forum.
- **Build the network** of freight Teamsters fighting for a strong contract.

Teamster Members Say No

DHL Demands Expanded Use of Part-Timers

Thousands of DHL Teamsters are facing a threat to their future jobs and our union's strength, as their chief negotiator has stated his view that "part-timers will be in the contract" because "DHL is demanding them."

The good news is that most DHL Teamsters are ready to say No to that concession, and No to concessions in general.

Expanding the use of part-timers—to destroy good full-time Teamster jobs and take away members' overtime—should be a line no Teamster will cross.

Brad Slawson, Hoffa's chief negotiator with DHL, made the bold admission that when the company demands, he goes along, on a Nov. 11 rank-and-file conference call.

DHL says it wants part-timers, just like UPS. Members on the call pointed out that comparisons with the UPS contract are off the mark—UPS Teamsters make $6 more per hour, and that gap is growing. Slawson had no comment in response.

Slawson is bargaining "operational supplements" on a national basis, where the good language of the National Master Freight Agreement can be watered down. This process makes the local and regional supplements almost irrelevant. Some supplemental negotiations have not even started—and how can they, with Slawson negotiating his own "supplements" and keeping members and local officers in the dark.

The answer is for DHL Teamsters to be prepared—and send that signal now—to reject any agreement containing concessions.

Home Deliveries

There are plenty of other issues on the table as well. One that needs to be dealt with is our loss of work due to the home delivery deal with the post office. This deal originally was made as a start-up, with the promise that as business grew, the delivery work would return to DHL. A committee was set up to monitor it, and a formula was agreed to for the recapture of our work. It never happened.

It's time to end that deal and bring the work back to DHL Teamsters.

You Can Help Beat Concessions at DHL

DHL Teamsters are getting organized to beat back concessions and win a strong contract. Sign up for email updates from TDU at www.tdu.org/network.

Corporate Shell Game Spreads Carhaul Givebacks

Carhaulers are reacting with anger over the latest move to gut the national carhaul contract and pay members a bonus to impose concessions on fellow Teamsters.

Years of struggle to win a good contract are on the line, as Yucaipa—which controls the two largest carhaul companies—moves to spread concessions with the blessing of the Hoffa administration.

The Hoffa administration has cut a deal to slash the wages of 2,000 carhaul Teamsters at Performance Transportation Services (PTS) by 17.5 percent. Incredibly, these Teamsters will be denied the right to vote on the wage cut, which will be followed by a three-year wage freeze.

Instead, the International Union's plan is to have the 3,500 carhaul Teamsters at Allied vote to cut the wages of their brothers and sisters at PTS. Even worse: each Allied Teamster will get a $2,000 bonus if they approve the PTS wage cut.

Members Oppose Cuts

Tim Krueger, a Local 89 Allied driver out of Bowling Green, Ky. summed up what many are saying: "I wouldn't vote for any kind of concessions for my fellow Teamsters. We were screwed by Allied and by the International when they shoved the 17 percent cut down our throats. Seems strange that five months ago Allied was bankrupt, and now they are buying a bankrupt PTS. Wake up Teamsters! If they can afford to buy PTS they should be able to pay us."

"PTS Teamsters are not getting any say whatsoever in this process, which appears to be one more case of corporations shuttling money from one pocket to another," said George Warner, the PTS steward from Local 580 in Lansing, Mich.

"The International should be ashamed to play on members' fears, and violate their own concession agreement that they made just six months ago."

The International Union rushed out ballots to Allied Teamsters on Dec. 3, and plans to count them on Dec. 19, to impose concessions on PTS Teamsters.

Thanks to a successful lawsuit by TDU attorney Barbara Harvey, there will be independent rank-and-file observers at the vote count.

How We Got to This Point

Six months ago the investment company Yucaipa, headed by billionaire Ron Burkle, took control of Allied Holdings. Yucaipa already controlled PTS.

Hoffa and Zuckerman told Allied Teamsters that Burkle is "union friendly" and if they approved 17.5 percent wage concessions, he would look after their interests and build up Teamster jobs.

Teamsters for a Democratic Union and many experienced carhaulers warned that the cuts would spread throughout the industry, with PTS at the head of the line. That's exactly what is happening.

Allied and PTS control a big majority of union carhaul traffic. What happens when the other employers demand wage concessions?

"It seems strange that five months ago Allied was bankrupt, and now they are buying a bankrupt PTS."

Hoffa talks about Teamster Power. But his administration's only plan for defending our contracts is to gut the industry standards that these contracts exist to protect.

Plenty of Teamsters know that surrendering our standards will not save our contracts.

In the original vote on the Allied concessions six months ago, carhaulers in Detroit, Flint, Jacksonville, Louisville, Nashville, Dayton, St. Paul, Janesville, Baltimore, St. Louis, Tampa, Birmingham and elsewhere voted to reject the concessions.

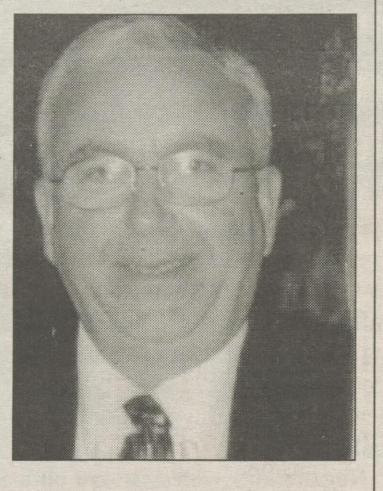
More isolated locals where TDUers and other active carhaulers did not reach people voted yes. In some cases, terminals that closed years ago recorded unanimous yes votes (Portland, closed five years, voted 12-0 yes.). As a result, the concessions were narrowly approved by two percent.

With a little more organization, we could have defeated the givebacks before they spread throughout the industry.

We need to build a strong national network of Teamsters who want to defend our contracts, and take coordinated action to defend our industry standards.

That's where Teamsters for a Democratic Union (TDU) stands. If you agree, get involved today. The contract you save may just be your own.

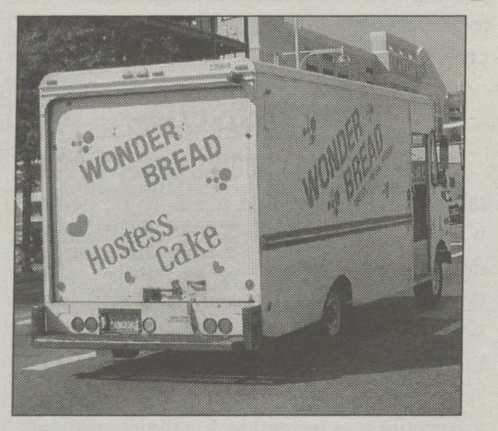
Ashamed of This Deal



"PTS Teamsters are not getting any say whatsoever in this process, which appears to be one more case of corporations shuttling money from one pocket to another. The International should be ashamed to play on members' fears, and violate their own concession agreement that they made just six months ago."

George Warner, PTS Shop Steward Local 580, Lansing, Mich.

Members Eye New Round of Concessions at IBC



The 9,500 Teamsters at Interstate Bakeries are facing a new round of concessions in wages, benefits, and job security.

Billionaire investor Ron Burkle says he has an "exclusive" deal with the Teamsters for concessions at Interstate Bakeries.

But the billionaire investor and our top officials aren't telling the details of their plans for a takeover of the bankrupt Teamster employer.

On Nov. 30, a federal bankruptcy judge denied IBC management's request for the details of Burkle's secret deal with the Teamsters.

Over 9,500 Teamsters make, deliver, and sell Hostess Twinkies, Wonder Bread, and other products for the bakery. The Teamsters agreed to concessions when the company first went into bankruptcy in 2004. Now the current management says it needs even more cuts.

"We've got to watch the company, and we've got to watch Hoffa to make sure we don't get stabbed in the back."

The IBT announced in early November that Yucaipa, an investment firm led by Burkle, and Bimbo Bakeries, a bakery based in Mexico, are moving to take over IBC with the help of the Teamsters.

"We've got to watch the company, and we've got to watch Hoffa to make sure we don't get stabbed in the back," said Loretta Devasier, an IBC Teamster from Louisville Local 89.

Current IBC management wants to cut wages, force members to pay $20 a week for healthcare, and implement a "path to market" distribution system that could eliminate many Teamster jobs and change work rules.

Teamster Bakery Director Rich Volpe has admitted that Yucaipa will ask for concessions in the current Teamster contracts—but no one is saying what these cuts will be.

New UPS Plan Can Undercut Others

Potential Pension Threat in Future

The removal of 44,000 UPS full-time Teamsters from the Central States Pension Plan will save the company billions in pension costs and opens the door to lower pensions for all Teamsters down the road—not just in the Central States.

Whatever your pension plan, members need to understand why UPS wanted this deal and what it means for you.

Lowest Pension in the U.S.

The new UPS plan that replaces Central States will pay members a lower pension than every other Teamster plan for UPSers—with current benefits of $3,000 a month for 30 and out.

That means nearly half of UPS's full-time workforce will be getting a substandard pension.

Teamsters in the West, in Chicago Local 705, in Local 710 (Illinois and Indiana), in New England, Washington, D.C., New York, New Jersey, Baltimore, Virginia and every other plan all get a better pension.

That alone tells you why management is so happy with the new contract.

But UPS got more than low pension benefits out of this deal. They also got a tool for capping pensions in other plans in the future.

No Set Contributions

The new UPS pension fund will save UPS billions on future pension contributions because the contract no longer requires the company to make specific hourly payments to this pension fund.

This is unlike every other pension plan for UPS Teamsters.

In every other pension fund, UPS will pay pension contributions of more than $10 per hour by the end of the contract. That's $21,000 each year per employee into every other Teamster pension plan.

In the new UPS pension plan, UPS has no such obligation. Instead of making UPS pay an hourly contribution, the new contract only says that UPS must fund its plan as required by law, no more.

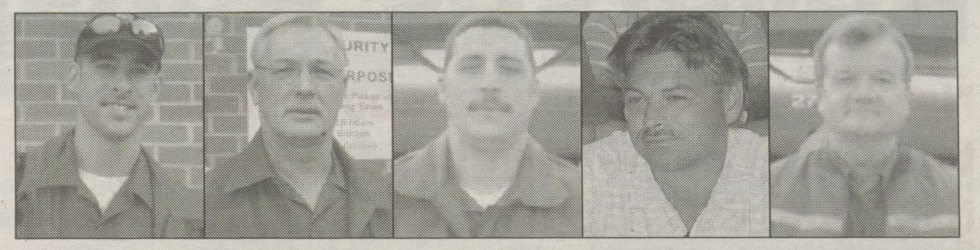
The law only requires that the company keep enough money in the fund to pay for the current benefit level. This means, over time, the company will pay far less for pensions in the new plan covering the Central and South—the lower the benefit, the greater the savings to the corporation.

Dragging Down Pensions

By the next contract in 2013, the benefit level in the new UPS plan will be the lowest in the country and have been frozen for 16 years—and the pressure will be on to raise pensions in the Central and South.

UPS may offer Central and Southern members a higher pension while putting the squeeze on every other fund. The new contract gives them a tool to do just that.

Article 34 of the master agreements defines exactly what the benefit level is in the new UPS pension plan. Because that benefit level is not tied to any hourly contribution, UPS would be able to offer to raise the pension in the Central and South without increasing its hourly contributions in other areas by a dime.



"TDU is where Teamsters turn to get reliable information about our contracts and pensions. TDU was there for us during the UPS contract talks—and they'll be there tomorrow. That's why we joined TDU."

Bryan Walters, Eldon McDaniel, Ron Revels, Horace Stone, and Larry Nunnery

UPS, Local 391, North Carolina

In the new contract, UPS increased its pension contributions by $3.25 an hour. Expect them to offer less next time.

Without higher hourly pension contributions, Teamsters in every other pension fund cannot protect and increase their benefits.

Defending Our Pensions

UPS is already thinking about the next bargaining round and how they can control benefit costs by keeping a lid on hourly pension contributions.

We cannot allow that to happen.

Lower pension contributions would not just affect UPS Teamsters.

UPS sets the pattern for the benefits of hundreds of thousands of other Teamsters. It is highly likely that the freight contract covering 80,000 Teamsters will mirror the pension contribution just negotiated at UPS.

Our entire union suffered a loss when the International caved in to UPS's pension grab in the Central States.

We now need to adjust to the new situation, and make sure the problem does not spread to other funds, or undermine our good Teamster pension benefits.

More Q & A For Concerned Teamsters

Pension Protection Act Takes Effect

This is the second part of our series on the impact of the Pension Protection Act (PPA), which takes effect on January 1, 2008. In our first part, we covered the new funding rules (including "Red Zone" and "Yellow Zone" rules). It is available at tdu.org/node/1539. In this section we take up a few frequently asked questions. If you have a question that is not covered here, contact TDU at (313) 842-2600 or info@tdu.org.

Q. We are being told that the Central States Fund is only about 50 percent funded. But a representative of the Fund reported at our recent union meeting that it is 63 percent funded. What gives?

A separate law passed prior to the PPA requires every multi-employer fund to temporarily (for two years, 2007-2008) change the way it estimates its earning on its investments. A pension fund, in making plans and calculating its funding, uses a basic assumption about how much it will make each year on average on its investments. Most assume about seven to eight percent return per year. The law requires that for 2007-2008 every fund use the PBGC figure of about four percent. So, while Central States is presently about 63 percent funded, it will have to temporarily report an "official" figure which is lower. Some pension funds are sending a letter to all participants giving both figures and explaining the difference. By 2009 that law phases out, and every pension fund will again report the higher and more accurate figure.

Q. TDU strongly opposed the PPA. Is there anything positive in this law?

Yes, there are positive aspects to it. One of them, which we successfully lobbied for, is more availability of information to members and retirees. As TDU's pension attorney Ann Curry Thompson says about this provision "forewarned is forearmed, and the PPA will give participants more advance information."

The PPA requires that participants have a right to obtain any periodic actuarial report; any quarterly, semiannual, or annual financial report prepared by the plan, or by an investment manager, advisor, or fiduciary; any application to the Secretary of the Treasury; and certain other information. Most plans have denied this info to members in the past.

TDU pension attorney Ann Curry Thompson answers members' questions about the Pension Protection Act at a TDU pension workshop. The new law will give members access to more advance pension info, Thompson says.

The Department of Labor is presently drawing up regulations to implement these disclosure laws. The Pension Rights Center has submitted comments on proposed regulations, aiming to get real information available to members and retirees.

Because the law is so new, it will take a while to sort out how this works. TDU will work to make sure Teamster members get information they are entitled to.

Q. I'm concerned that my pension will be cut right after January 1. Should I retire now to escape possible cuts?

A. While there are lots of complications to this issue, the basic answer in almost all cases is No. First of all, we believe that almost no Teamster pension funds will be in the so-called "Red Zone." Funds in the Red Zone may possibly implement cuts in already-earned pension credits (but not for those already retired, TDU fought for and won that protection). Second, there should be lots of advance notice for members. No fund goes into the Red or Yellow Zone on January 1. There is a long timeline in the law, with reports due in April, and a determination of where the fund stands by the beginning of 2008, and a plan in place by December 2009, two years from now. See our previous issue for more on this timeline.

New York No Vote Reverses Pension Givebacks!

New York Local 804 members voted by 3 to 1 to reject the national contract and the Local 804 supplement. Now that No Vote has paid off.

As *Convoy* goes to press, members are preparing to vote on a better offer from UPS that restores 30 & Out benefits to $3,600 a month—without key givebacks that were included in the first offer.

The Local 804 Executive Board unanimously endorsed the company's first offer, which would have eliminated 25 & Out pensions for new hires and diverted 10 cents in members' wages to subsidize UPS's pension costs.

Money in Your Wallet

To sell the concessionary first offer, UPS and Local 804 officials threatened that if members did not ratify the deal, then the Local 804 Pension Fund would maintain a 30 percent cut in pension accruals for years to come.

By voting No, members got UPS to put an offer on the table that raises the pension accrual to pre-cut levels, protects 25 & Out benefits, and puts the 10¢ back into members' wages.

Restoring the 10¢ wage diversion will put $1,500 in the pocket of every Local 804 full-timer over the life of the deal.

"I'm very proud that Local 804 members voted against the givebacks that the company and our own union tried to shove down our throats. We never should have been voting on that offer in the first place," said Jim Reynolds, an alternate steward and one of the leaders of the Local 804 Make UPS Deliver network.

"We didn't win the contract we deserve, but by standing united at least we got ourselves out of the hole our negotiators dug for us," Reynolds said.

The new contract offer also maintains a bonus for drivers—called "coffee pay" in New York. UPS automatically pays drivers an extra 15 minutes whenever they work more than 8½ hours. The company's first offer would have eliminated coffee pay for current part-timers who go driving—reducing their pay by nearly $2,000 a year.

Defending Our Legacy

Local 804 won 25 & Out long before most Teamster locals. It took a thirteen week strike to do it. Local 804 member Ed Dougherty was run over and killed on the picket line in the struggle to win that benefit. To this day, the Local 804 scholarship fund is named in Brother Dougherty's honor.

"We felt very strongly that our Executive Board did not have the right to negotiate away a benefit that a Teamster brother sacrificed his life to win," said Tim Sylvester, a shop steward and one of the leaders of the Vote No movement.

As *Convoy* goes to press, Local 804 is organizing a shop stewards' meeting and then preparing to send out ratification ballots with the goal of securing a new agreement before Jan. 1.

"The Local 804 membership made ourselves heard. Whatever we got, we won by sticking together and Voting No," said Bill Reynolds, a package car driver in the Suffolk building. "*Make UPS Deliver* was a big part of it. Ultimately it was up to the rank-and-file."

Proud of Our Members

"I'm very proud that Local 804 members voted against the givebacks that the company and our own union tried to shove down our throats. We never should have been voting on that offer in the first place. We didn't win the contract we deserve, but by standing united at least we got ourselves out of the hole our negotiators dug for us."

Jim Reynolds, Alt. Steward
Local 804, New York

Hoffa-Hall Give Back '97 Strike Gains

With the new 2008 contract, Hoffa and Hall gave back to UPS the key gains of our historic 1997 strike: strong Teamster pensions, 10,000 full-time jobs, and more. This happened in no small part because Hoffa and Hall gave up on the contract campaign strategy that made those gains possible.

In 1997, our International Union launched a year-long campaign that gave information and power to our members.

Every UPS Teamster had a stake in our contract because we were fighting for members in every job classification: higher pensions, 10,000 full-time jobs, restrictions on subcontracting, and higher wages, including record increases for part-timers. United, we won on every one of these issues.

Hoffa and Hall abandoned this proven contract campaign model and replaced it with an information Brownout. Unifying demands were replaced with a givebacks that pit members against each other: part-time versus full-time, Central States versus others, current employees versus the next generation of UPS Teamsters.

When Hoffa and Hall finally unleashed our union's power it wasn't to take on the company, but to mount a historic sales job on the members. Fast-track balloting. PR mailings. Pre-recorded phone calls.

Instead of pressuring the company, Hoffa and Hall put the squeeze on the members: telling us that the contract had to be passed by January 1.

The International Union pulled out every stop to push through record concessions ten months before our contract even expired.

Hoffa and Hall got a majority to pass their concessionary deal. But unlike 1997, a new contract won't mean a stronger union.

Pennsylvania UPSers Vote No, Win Gains

Against the advice of the International Union, UPS Teamsters in Pennsylvania voted to reject the national contract and the Central Pennsylvania and Western Pennsylvania supplements.

Their No Vote got UPS to put better offers on the table—which are being put to a vote as *Convoy* goes to press.

The improvements in the new offer are limited—and many members feel more could have been won.

After the contract, UPS and the International Union put on a full court press to settle the rejected supplements by Jan. 1. Within one week of the contract rejections, new ballots were in the mail to UPS Teamsters in Central and Western Pennsylvania.

"After we voted our supplement down, no meeting was ever held to ask members what we want. When we submitted proposals for changes, they were not even submitted to the negotiators," said Jeff Fretz, a package car shop steward in Allentown Local 773.

"Our supplement is substandard and we were denied any voice in improving it. That's what bugs me the most," Fretz said.

Under the new offer in Central Pennsylvania: no part-timer will take a pay cut when they work as a cover driver; members will earn a third week of vacation after nine years instead of ten; and part-time start times must be posted weekly—among other improvements.

Teamsters in Western Pennsylvania won small changes that are designed to reduce the frequency of package car drivers involuntarily covering areas outside of their bid area—including language to expedite grievance hearings on this issue and the creation of fifteen new full-time package driver jobs.

Hoffa and Hall told UPS Teamsters that they had made the company put its best offer on the table ten months before our contract even expires.

But 15,000 UPS Teamsters in three supplemental areas proved them wrong. By demonstrating more backbone than our International Union leaders, they have all won improvements in just a couple weeks.

Think of what more could have been won if our union had been standing up for improvements instead of selling the company's givebacks.

Be a Part of Our Network

TDU and *Make UPS Deliver* are building a network of UPS Teamsters to enforce our contract and keep our union strong at UPS. Be a part of that network—join TDU today. See pg. 1 to join.

Make UPS Deliver: Lessons from the Campaign

UPS Teamsters were not able to defeat givebacks this time. An analysis of voting results shows what it will take for us to succeed in the future.

UPS entered contract talks making record profits of more than $4 billion and under pressure from stockholders to settle the contract early.

Our chief negotiators James Hoffa and Ken Hall had the leverage to make UPS deliver. Instead, they gave the company the early deal it wanted—plus the biggest concessions in 25 years.

Concerned UPS Teamsters mobilized to Vote No. Although we were not able to defeat the contract, an analysis of the voting results shows what it will take for us to succeed in the future.

Informed Voters Challenged the Givebacks

The balloting results show that Teamsters can make a difference when we take coordinated action. In the locals where members mounted an organized campaign to distribute *Make UPS Deliver* information, the contract was challenged and sometimes defeated.

Members voted down the contract in many large UPS locals, including Kansas City, St. Louis, Cincinnati, New Orleans, Omaha, San Francisco, Washington D.C., Allentown, Harrisburg, Worcester, Syracuse, and Knoxville, among others.

In New York Local 804, the largest UPS local in the East, 7,000 Teamsters overwhelmingly rejected the contract by a three to one margin.

In locals where *Make UPS Deliver* materials weren't distributed and members only heard the company and union sales job, the vote was a lopsided—with ten to one margins and worse.

The lopsided yes votes in locals where members heard only the IBT-UPS sales job helped to account for the overall 65 percent ratification margin.

Why the Contract Passed Nationally

The biggest obstacle to defeating the concessionary contract nationally was the sheer size of the Teamster-UPS sales job.

The company and the union reached every UPS Teamster with their Vote Yes campaign. Most UPS Teamsters received multiple mailings—including six separate mailings in the Central and Southern regions.

In contrast, our Vote No campaign relied on member-to-member communication. The fast track contract vote gave us limited time to expand our network.

The lesson is clear: working Teamsters at UPS can't wait until there's a crisis to get organized. If we want to stop future givebacks and enforce our contract, we need a bigger, stronger network of UPS stewards and members. And that means building a stronger TDU.

Hoffa-Hall Surrender on Central States Pension

The Hoffa administration's miserable failure to defend Teamster pensions was another major factor in the contract vote.

First, Teamster pensions were cut in the Central States and elsewhere after Hoffa and Hall promised they would be protected by the 2002 contract.

Then our union failed to advance any positive plan for improving pensions without giving in to the UPS pension grab in the Central States.

With Hoffa and Hall offering no plan, no hope and no leadership, it is not surprising that the contract passed by a wide margin in the Central States areas.

Many Teamsters in other areas saw the givebacks in the contract as the price members had to pay to "solve" the Central States pension problem.

It's hard for members to stand up against UPS's concessions when our own leaders are lying down for the company.

Local Officers

The contract results showed the influence of local officials—and the need to organize for local union reform.

In a few key locals where local officers actively spoke out against the contract, they made a big difference, fueling the defeat of the supplements in Central and Western Pennsylvania—and nearly overturning the supplement in Northern California.

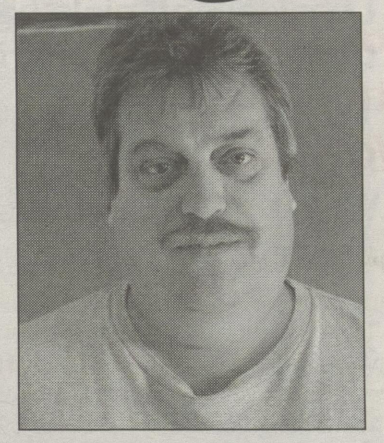
Unfortunately, the majority of local union officials and business agents showed that they would rather go along with Hoffa than make a stand for the members they are supposed to represent.

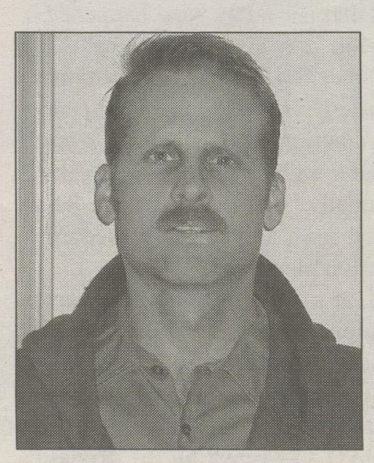
Many sent letters to their local union membership pushing a Yes vote—adding to the flood of mail and recorded calls from the International and the company.

Many UPS Teamsters are already looking down the road to their next local union election.

"The company and the union worked together to push this sellout contract on us. Without TDU and the Make UPS Deliver campaign, we would have been completely in the dark. Our job going forward is to keep this network of stewards and members together—and to build it. It's up to us to stand up for our contract, push our union to enforce it and the company to respect it. That's why I'm joining TDU."

Dave Puckett, Feeder Driver
Local 688, St. Louis





"Make UPS Deliver was our best source of accurate and timely contract information. TDU was there with quick and useful resources, reports on bargaining, information on the contract, bulletins and Vote No leaflets, all the tools we needed to fight for a good contract.

"I'm joining TDU because I want to support the group that's been supporting me. I believe in our union and I want to make it stronger. A stronger TDU can do that."

Fred Hardiman, Local 150 Shop Steward
Package Car Driver, Sacramento, Calif.

Build TDU

With the contract approved in most parts of the country, UPS Teamsters are left with two choices: give up or get organized.

The company will continue to attack our pensions and benefits—and undermine the contract every chance they get.

It is up to concerned UPS stewards and members to inform our co-workers, enforce our contract, and hold our union leaders accountable.

That's why Teamsters for a Democratic Union (TDU) launched the *Make UPS Deliver* website.

We plan on keeping it going. But we want to do more than just share information in cyberspace.

TDU's goal is to build a network that can link UPS stewards and members in every hub and building.

Be a part of making that happen. Join TDU today.

Strike Possible in Chicago?

Two Contracts Still Not Bargained

The national UPS contract may soon be settled if the rejected supplements gain approval after being improved. But nearly 20,000 UPSers work under local contracts that are independent of the national agreement—and far from settled.

UPS Teamsters throughout Indiana, Illinois and Davenport, Iowa are covered by the Local 705 contract (Chicago area) or the Local 710 contract (covering the rest of Illinois, much of Indiana, and Davenport).

Neither of these contracts is near settlement. Local 705 has not begun bargaining as *Convoy* goes to press.

Many Chicago UPS Teamsters have made it clear they are not happy with the concessions in the national agreement—including no new full-time combo jobs, various two-tier concessions, and weak language on excessive overtime, supervisors working and other problems.

Their goal is to avoid these givebacks in their contract.

At recent Local 705 meetings, local leaders have reported that they are negotiating with UPS over major grievances, after threatening to strike over the company's failure to comply with past grievance decisions and assignment of work outside the bargaining unit.

The local has passed out bulletins to UPS Teamsters notifying them of a potential strike and copy of the strike notice given to management.

Under the Local 705 contract, the union can strike if management fails to comply with grievance decisions.

Local 396 Trashes Waste Management Teamsters

Local 396 officials bargained a substandard contract and called a strike with no plan to win.

Then they cut a secret deal that let the company permanently replace striking Teamsters.

Wastehaul Teamsters deserve better—in L.A. and across the country.

Local 396 Teamsters at Waste Management stood strong against healthcare cuts. They deserved the full backing of our union—and a plan to win.

Nearly 450 Waste Management Teamsters in Los Angeles reluctantly voted to end a two-week strike on Oct. 31 and accept a substandard contract after being hung out to dry by Local 396 and International Union leaders.

When Waste Management locked out 500 Teamsters in Oakland this summer to try to force through healthcare cuts and other concessions, Mayor Ron Dellums called the lockout a "dress rehearsal" for this fall's contract negotiations in L.A.

Mayor Dellums was right. Unfortunately, when it was showtime in L.A., only the Local 396 rank and file were ready to play their part.

Three times Local 396 members voted to reject substandard contracts recommended by the local union leadership that would reduce their medical benefits, maintain substandard wages, and hit members with further benefit cuts if healthcare costs spike.

12-Day Strike

For twelve days, members struck Waste Management and shut down garbage collection. These Teamsters stood strong and deserved the full support of our union—and a plan to win. Instead, Local 396 members had to take on the world's largest waste corporation while their union officials stood to the side or actively undermined their strike.

Before the strike, Local 396 officials recommended the company's substandard contract offer and told members that if they voted it down, the local would call a strike and members would be on their own. And that is exactly what happened.

One week into the strike, Local 396 hosted a meeting of the International Union Waste Division to talk about coordinated action against Waste Management, including extending picket lines nationally. But Local 396 strikers were barred from attending the meeting. And no action plans were announced.

Instead, at a local meeting three days later, union officials told Waste Management Teamsters that the company was threatening to permanently replace the strikers and that this could lead to another PATCO—referring to Ronald Reagan's infamous strikebreaking tactics against the air traffic controllers in 1981.

Local 396 Secretary-Treasurer Ron Herrera did not even have the decency to attend the meeting of Teamster strikers.

Local 396 negotiators then met with the company and agreed to vote the same contract offer again—a contract that our own International Union said would pay substandard wages.

With no plan to win from Local 396 or the International Union, members voted to accept a new five-year contract that is identical to the substandard contract they previously rejected.

The new contract will move Waste Management Teamsters into an inferior healthcare plan. If the company's healthcare contributions do not keep pace with the rising cost of healthcare, Local 396 members will have to make up the difference by paying out of their pocket each month toward their medical plan.

Union Lets Company Replace Strikers

Local 396 voted to approve their contract because they were threatened with permanent replacements.

What these members did not know was that Local 396 officials agreed to end the strike without negotiating that strikers would have the right to return to their jobs.

Local 396 officials waited until after members had voted. Then business agents called more than 40 Teamsters to tell them not to go to work because they had been "permanently replaced."

Waste Management dumped dozens of Teamster strikers—and replaced them with scabs hired through a temporary agency. It is standard practice for Teamster locals to make it a condition of any strike settlement that all strikers return to their jobs.

Under the law, Local 396 strikers who have been "permanently replaced" have the right to return to their jobs as opening become available, and some strikers have returned to work.

"We need to do whatever it takes to get our jobs back," said Francisco Dominguez, a driver who was permanently replaced from the 213th Street yard. "It's good to know we have TDU's support and we're not alone in this fight."

National Strategy Needed

Waste Management, and other wastehaul employers, have been on the offensive against Teamsters across the country. While Teamsters in Seattle and Oakland won their contract battles, members in Washington, D.C., New York and now Los Angeles suffered devastating defeats.

Our union needs a nationally coordinated strategy for defending and improving members' contracts, pay and benefits.

TDU will continue to build a national network of Teamster waste workers to achieve these goals. If you want to build Teamster power for waste workers, contact us and get involved today.

Pension Contributions To Hit $6.26 An Hour

Seattle Waste Members Win Pension Boost

Seattle Local 174 members at Waste Management and Allied Waste are getting a major pension boost of $1.18 per hour in 2008 thanks to strong benefit language negotiated in their last agreement.

Under the Local 174 wastehaul agreements, members won major annual increases in healthcare contributions for their medical dental and vision benefits—starting with a 12 percent in year one of the contract and going up each year.

At the end of each year, if healthcare costs go up less then the maximum negotiated, the union holds a vote and members decide how to divide the surplus between wage and pension increases.

This year, healthcare costs went up very little. As a result, Local 174 members voted themselves a 78 ¢ pension increase effective Jan. 1, 2008. That comes on top of a contractually bargained 35 ¢ pension increase effective next June 1.

Starting next June, Waste Management and Allied Waste will contribute $6.26 per hour into Local 174 members' pensions.

Western Conference Pensions Rise

The Western Conference of Teamsters Pension Fund, which covers most Teamsters in the Western Region, is ending cuts in pension accruals that were imposed in January 2003.

The accrual rates will increase to the historic base figure of 2 percent of contributions for Teamsters with less than 20 years credit, and 2.65 percent for those with more than 20 years.

This means a Teamster's monthly pension amount will increase by 2 percent (or 2.65 percent) of the amount the employer contributes that year.

The restoration of the pension levels was announced just in time to help sell the UPS contract.

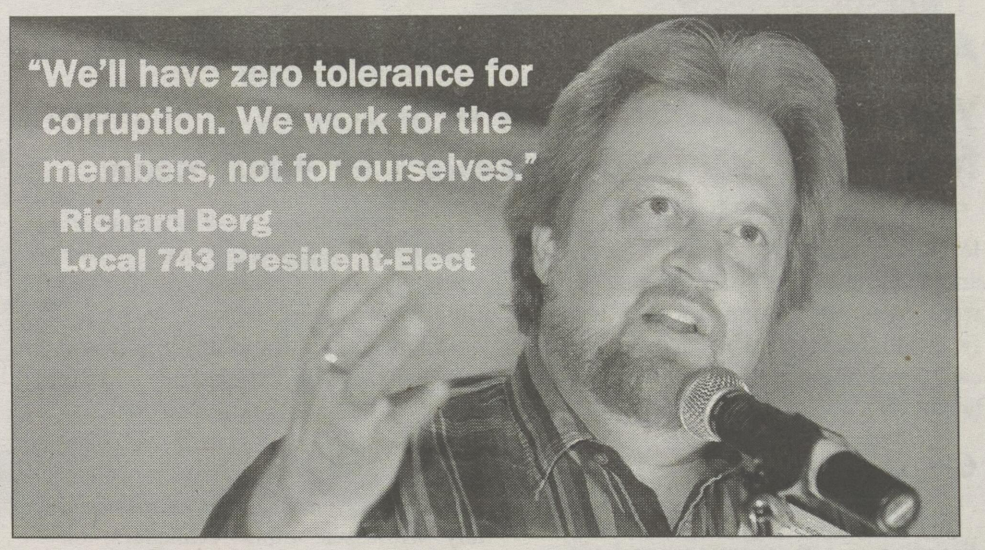
In the Teamster election campaign of 2006, Tom Leedham repeatedly pointed out that the cuts should have never been cut so drastically, and should have long ago been restored. But the trustees refused to restore the cut long after its own website was reporting that the fund was 100 percent funded.

Members retiring in 2007 lost about $500 per month for life due to those cuts.

An Interview with Richard Berg

Chicago Reformers Chart New Direction for Local 743

On Jan. 1, the 13,000 members of Chicago Local 743 will get a chance to build a stronger union as Richard Berg and the New Leadership Slate take office.


"We'll have zero tolerance for corruption. We work for the members, not for ourselves."
Richard Berg
Local 743 President-Elect

This election victory comes after a long history of corruption. In September the current president and three former BAs were indicted for stealing the 2004 election. The old officers continue to try to obstruct democracy and block the winners from taking office, using union funds and every trick they can. Beyond that, the new leadership faces a big challenge—to turn the union around and build Teamster power. *Convoy* sat down with president-elect Richard Berg to discuss their plans.

Convoy: How does it feel to be the newly elected President of Local 743?

Richard Berg: It feels great. It was a great victory for all the members who've worked so hard and so long to get rid of the criminal element in our union and turn it over to the rank-and-file.

What can your new team do to increase representation for members?

Right now, the current officers are looting our dues money. We're going to cut salaries and hire more people. BAs will visit all our worksites regularly—whether there's a problem or not.

We're going to launch an education campaign geared at all the members—so members can learn what the union does, how it works, and what is expected of all members. We want a union where the members call the shots.

We'll focus on training stewards. Stewards are our first line of defense.

Our bylaws call for regular election of union stewards, but the current officers have completely ignored that. We won't.

We're going to train stewards so they can handle tough situations. And they'll know that when they take on the boss, we'll have their back.

What will you do to get rid of the corruption in the union?

We're going to open the books, and make a real close accounting. Anyone who has been involved in any theft from the members will be removed from Local 743 forever.

The new executive board will have zero tolerance for corruption. We work for the members, not for ourselves.

Local 743 has over 100 contracts in a variety of industries. How did the old leadership handle contract negotiations? What will you do differently?

Workers were left in the dark. At the end of negotiations, the BA would emerge from the room with management and tell members that you can either accept this agreement, or go on strike. Members would know that with no preparation, a strike would be a disaster, so they had to accept some pretty bad contracts.

We're going to run real contract campaigns. We'll start early, talking to members, setting up one-on-one organizing networks, fully involving the workers in the negotiating process.

When we first take office, we inherit everything that our predecessors have left us—good and bad. They're in the middle of several negotiations now.

Our plans will take time. We'll make changes from day one, but to turn the ship around is going take a concerted effort of the leadership and the membership.

You've been active in the national movement for Teamster reform, and you ran with Tom Leedham last year. What role has the Teamster reform movement played in bringing reform to Local 743?

Many of our employers are national or multinational companies. Early on we realized that we can't live in isolation, we need a national outlook and organization.

Through TDU, we've met the most talented Teamsters in the U.S.—and we've learned much from them. We couldn't have done it without the support of people like Tom Leedham and TDU.

What advice do you have for Teamster members who are concerned about the future of our union?

We're always looking for the Teamster members who want to fight. We found inspiration from places we didn't expect.

Having a local organization made all the difference, to keep the fight going and lick our wounds when we lost. That inspiration and organization kept us going, no matter what management and our corrupt officials threw at us.

Rail Workers Build Solidarity Caucus

by Ron Kaminkow
BLET Div. 51
Amtrak
Reno, Nev.

Rail labor activists from across North America are coming together to form a new cross-craft inter-union caucus that includes all rail workers in North America—Railroad Workers United.

"We have been divided—craft against craft, union against union, terminal against terminal—for too long," says Joe Wyman, UTU trainman in Tucson, Ariz. "We will be stronger by including all railroaders in North America."

The RWU will be a membership organization. Membership is open to all members of any railroad union, including the BLET and the BMWED, rail crafts that have joined the Teamsters.

The new group got its start thanks to Railroad Operating Crafts United (ROCU), a group founded in 2005 to end the warfare between the BLET and the UTU.

"Rather than continue to beat our heads against the wall in face of the determination of the officials of the BLET and the UTU to remain separate and at war with each other, we decided to put our energy into building an organization that includes all rail labor," says Ed Michael, an engineer in BLET Div. 724.

"We are not creating another rail union," explains Jon Flanders, a Machinist in Selkirk, N.Y. "Instead, we are creating an industry-wide caucus where we can all come together to help each other build the solidarity, support, democracy and strength that is missing in our individual craft unions."

The new group will work to build solidarity among all railroad workers, including:

- Support movements for democracy within the rail unions;
- Build unity at the next round of bargaining;
- Support candidates who actively support RWU goals for leadership positions in the various unions;
- Support mergers between rail unions where they make sense;
- Build local chapters in terminals to recruit members and build solidarity;
- Get behind national legislative campaigns that would benefit rail workers and facilitate union organizing.

RWU has drawn up a "Statement of Principles" to act as a guide to its work, which include unity of all railroad crafts, an end to inter-union conflict, rank-and-file democracy, and coordinated bargaining.

The founding convention of RWU is scheduled to take place Friday, April 11, 2008, at the Labor Notes Conference in Detroit that weekend.

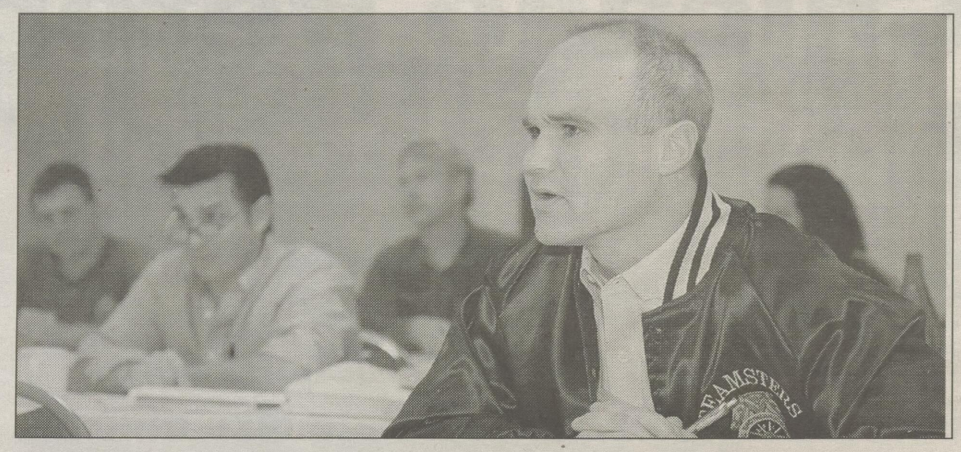
Contact Railroad Workers United

www.railroadworkersunited.org
info@railworkersunited.org • (206) 984-3051

Investigating Grievances

The right information can make or break your grievance case. If you don't have your facts straight, management can shoot down your case.

As a steward or a concerned member, you can gather facts and make it harder for the boss to pick holes in your case.



Teamster members discuss strategies for investigating and winning grievances at a workshop at the TDU Convention.

A thorough investigation can help locate evidence that supports your case, and it can also help you find your case's weak spots. And, you might even identify inconsistencies with management's case, or find unexpected contract violations.

Get the Facts: The Six W's

Whether it's a contract violation or a discipline case, there are six questions to ask for every grievance:

- **Who** is involved?
- **When** did it happen?
- **Where** did it happen?
- **Why** is it a violation of the contract?
- **What** happened, and what is the remedy?
- Are there any **witnesses**?

These questions will help you track down all the facts you need to present a solid case.

Interviewing the Grievant

You need to get the full story of what happened from the grievant, especially in disciplinary cases. The best way to do this is to interview the grievant, asking them the Six W's. Ask the grievant to be as specific as possible.

When you're dealing with a disciplinary grievance, your questions might make the some members suspicious. Assure them that you're on their side. Tell them, "If I ask questions management will ask, it's because I need to know the answers to represent you well."

You want the whole story, not just the grievant's side. After they've told their story, ask them, "What do you think management will say happened? We need to prepare for their strongest arguments."

Find out from the grievant if there are any witnesses: other Teamsters, customers, or supervisors.

After you've interviewed the grievant, review the facts with them, and the sequence of events. Make sure you've got the facts straight.

Management's Story

When you're handling a disciplinary grievance, management will often try to change their story to dodge a settlement.

Don't let management set up a moving target. Use your investigation to pin them down.

Make sure you get the full side of the story from all the supervisors involved. Talk to different supervisors individually, and look for inconsistencies in their stories. Talk to supervisors early, before they get a chance to get their stories straight.

In the grievance hearing on a disciplinary matter, it's up to management to present their case first. Take careful notes, and when they're finished talking, ask them, "Is this your entire case?" Don't let them try to introduce new facts later into the hearing.

Remember, management is supposed to do a thorough investigation and then based on that apply appropriate discipline, so once discipline has been issued, their investigation is done.

Information Requests

The National Labor Relations Act gives the union and stewards a broad right to get information from the company to investigate grievances. There's a lot you can request.

Company documents, including accident reports, attendance records, bargaining notes, customer contracts, correspondence, interview notes, job descriptions, memos, time cards, security videos, seniority records and bids, and much more.

Don't let management delay your request. It's best to ask to view the documents first. Take notes and ask for copies if you need them—management has to pay for the copies.

Whenever you're working on a disciplinary grievance, always request to view the grievant's personnel file. If you suspect unequal punishment, request the names of other employees who have committed the same offense, and the penalties imposed.

Be careful here. If other employees have done similar things and not been disciplined as severely, the employer may go after them in the near future in order to make you and the grievant look bad. The use of apparent disparity in punishment must be handled with care.

Data, including lists, statistics, and other relevant information relied on by management to support their case must be provided to you. Management must provide this information, even if they must spend hours compiling the information, at no cost.

Facts. Employers must answer pertinent factual inquiries. For an arbitration hearing, ask for the names of persons the employer intends to call to the stand and an outline of what they will testify to.

Language to Include in Every Request

You should always ask to view specific documents you need. But employers are obligated to respond to broad inquiries.

For a disciplinary grievance, you can ask: "Please supply all documents, reports, and other evidence utilized in making the decision to discipline the grievant."

For a contractual grievance, ask for: "All documents, records, and facts used in determining the company's position."

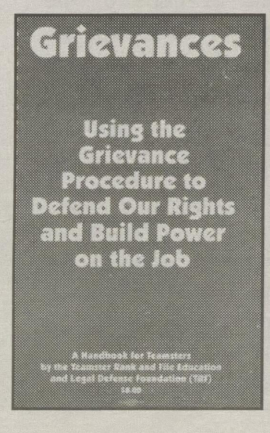
When Management Gets in Your Way

Keep careful track of the information you request from management. Don't let them introduce information or documents that you've requested, but that they haven't provided.

If management denies your information request, the union can file unfair labor practice charges with the National Labor Relations Board.

Get the Facts with the Six W's

1. **Who is involved?** Get the names of everyone involved—members, supervisors and witnesses.
2. **When did it happen?** When did specific instances occur? If the grievance is ongoing, when did it begin?
3. **Where did it happen?** Get the exact location where the incident or incidents occurred. Getting this information will help you track down witnesses.
4. **Why is it a violation?** What contract language, work rules, past practices or laws were violated?
5. **What happened,** and **what is the remedy?** Have a detailed explanation ready for your meeting. Include everything it will take to make the employee "whole in every way."
6. **Are there witnesses?** Get their names, phone numbers and addresses. Try to get a statement as soon as possible.


Grievances
Using the Grievance Procedure to Defend Our Rights and Build Power on the Job
A Handbook for Teamsters by the Teamster Rank and File Education and Legal Defense Foundation (TDF)

Grievances:

Using the Grievance Procedure to Defend Our Rights and Build Power on the Job

Available from TDU, $8. To order, call (313) 842-2600 or visit www.tdu.org

Defending Our Contracts and Saving Our Union

Defending our contracts and saving our union was the theme at the 32nd annual TDU Convention, Nov. 2-4 in Chicago.

Teamsters came to Chicago from across the country to make plans for building a stronger union in 2008 and learn from experts and each other at 20 workshops.

Members Set the Course for 2008

Whether or not you attended the TDU Convention, you can help build a stronger union this year and for the future.

TDU members set the course for our reform movement in 2008 and beyond.

In the coming year, TDU members will be working to expand our industry networks, recruit to TDU, and get *Convoy* out to more and more Teamsters. TDU members also elected a new International Steering Committee to guide TDU over the next year.

TDU members will continue to build industry networks to defend Teamster master contracts and standards. UPS activists met and decided to continue to build the Make UPS Deliver network to link together UPS activists from across the country and share strategies for enforcing the new UPS agreement.

Recruiting to TDU

Recruitment is a big priority for TDU members in 2008. "We need a bigger TDU," said Walter Taylor from New York Local 814. "In my local we're going to work hard to recruit more concerned members into TDU. If you're not already a member, you should join. If you are a member, ask a friend to join." Taylor is a newly elected member of TDU's Steering Committee.

The convention discussed the attack on Teamster national contracts, and what members can do to preserve Teamster standards and benefits. Members in freight, rail, and other Teamster industries met to lay plans to defend and expand our master agreements. UPS Teamsters discussed how to continue to build the *Make UPS Deliver* network after the contract vote as a way to share ideas, connect active members, and enforce the contract.

Convoy Spreads the Word

Members are also working to expand the reach of *Convoy*. "The convention inspired me to get 100 copies of *Convoy* each month," said Tyler Buckner, a Roadway driver in North Carolina Local 391.

"Knowledge is power, and *Convoy* has the truth. I'm going to use it to help educate members about the 2008 freight contract, and to let them know what we need to do to build a stronger union." Call (313) 842-2600 to start a new *Convoy* bundle.

"To get new leaders at the top of our union, we need to build TDU."

"The next Teamster general election is in 2011, and it's time to get ready," Frank Halstead told the convention. "We need new leadership at the top of our union. We've got to build a strong TDU to make that possible." Halstead is a warehouse Teamster in Los Angeles Local 572, and a member of the new TDU ISC.

The location for the 2008 TDU Convention have not yet been chosen.

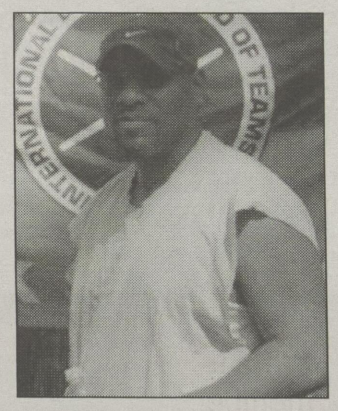
"TDU has always helped Local 814 members in our fight to build a stronger local. I'm excited to join the TDU International Steering Committee so that I can work on building a stronger New York/New Jersey chapter, reach out to new locals, and help other Teamster activists get the training and support they need."

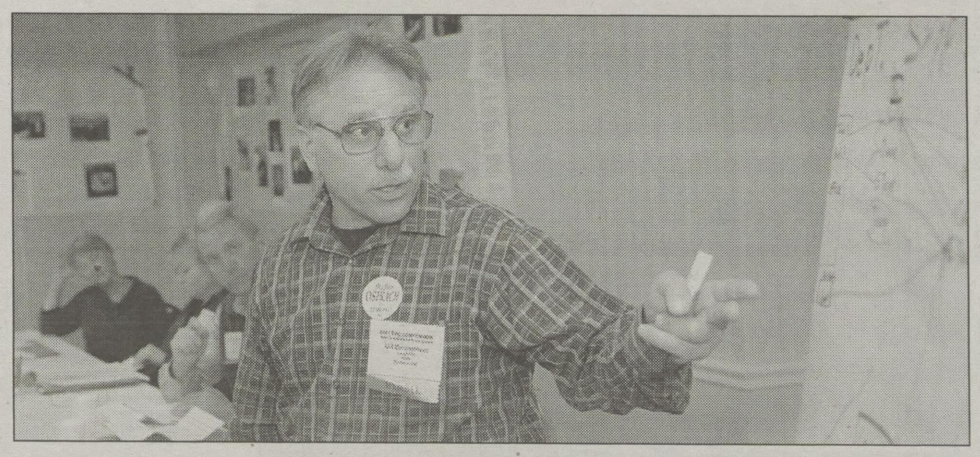
Walter Taylor, Local 814
Commercial Movers, New York

"Hoffa and the companies want to keep members in the dark about TDU. Now I know why.

"This was my first TDU Convention, and I really learned a lot from all the great Teamsters there. I can't wait to go back and share with my fellow drivers all the information I learned."

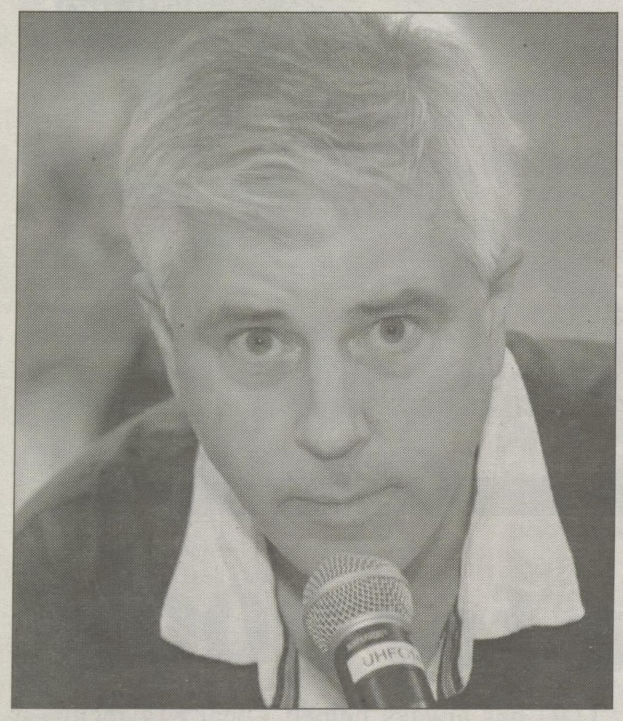
Michael Spruill, Local 807
Nabisco, New York





Members learned from attorneys, industry experts, and other Teamsters in over 20 workshops and jurisdiction meetings at the convention.

How Much Is a Strong Union Worth to You?



"Without TDU and *Make UPS Deliver*, UPS Teamsters would have been totally in the dark about our contract this year.

"TDU was there to get critical information out to the members when our union wouldn't.

"That's why my wife Nancy and I are donating $1,000 this year to keep TDU going strong."

— John Youngermann, UPS Feeder
Local 688, St. Louis

Victory in Local 743: We Couldn't Do It Without TDU

"We've had a hard fight to take our local, and TDU has been with us every step of the way. That's why I'm giving $200 to help support TDU."

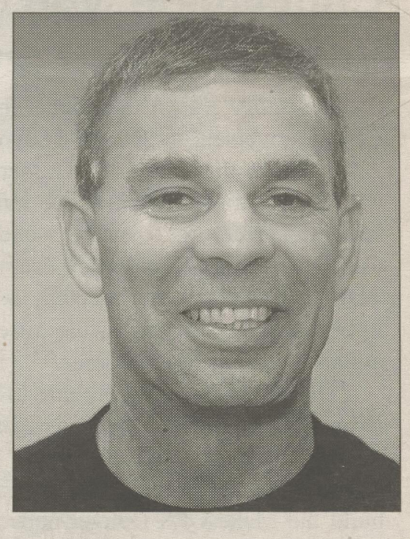
Gina Alvarez
Local 743, Central States Office
Secretary-Treasurer Elect
Chicago

$30 a Month for a Strong TDU

"This year we hired a TDU organizer for Southern California, and it's made a huge difference. We've been able to reach out to new Teamsters and get them to join TDU.

"All that takes money, and TDU is funded by Teamsters like you and me. That's why I'm giving $30 a month to help TDU for the next year."

Phil Richards,Unified Grocers
Local 630, Los Angeles



Donate Today & Keep TDU Going Strong

TDU is funded by Teamsters like you. Your donation will help TDU educate members, defend our contracts and hold our top union officials accountable in 2008.

If you can donate a little or a lot, do your part to help build a stronger union—donate to TDU.

Yes! I will help support TDU's work in 2008.

☐ TDU Supporter. ☐ $35 ☐ $50 ☐ $100 ☐ $150 ☐ Other $ _____

☐ TDU Builders Club—$200 and above. ☐ $200 ☐ $300 ☐ Other $ _____
I pledge $ _____/month for 10 months. Charge my card or send reminders (circle one).

Name _____ Local _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

MC/Visa/AmEx/Discover _____ Exp Date _____

Return to TDU, PO Box 10128, Detroit, MI 48210

TDU accepts donations only from Teamsters, retired Teamsters and spouses who are not employers. Others may donate to the Teamster Rank and File Education and Legal Defense Fund.